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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,117	02/12/2002	Peter Buchner	282647US8X	7730
22850	7590	04/13/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/13/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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**Office Action Summary**

Application No.

10/074,117

Applicant(s)

BUCHNER ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to new added claims 9-15 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-8 have been canceled.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

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- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. section heading such as BACKGROUND OF THE INVENTION, BRIEF SUMMARY OF THE INVENTION, BRIEF SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S), DETAILED DESCRIPTION OF THE INVENTION, etc. are suggested to be inserted at appropriate portion in the specification.

### ***Claim Objections***

4. Claims 9-15 are objected to because of the following informalities:

Claim 9 recites "said tuner unit including a storage unit for storing...", in lines 2-5, should be replaced as – said tuning device including...— because as disclosed in the Figure 1, the storage unit 3, is included in the tuning device, not in the tuner unit 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura (EP 0 835 029 A2) –hereinafter referred to as Kawamura, in view of Inoue et al (US 5,826,168) –hereinafter referred to as Inoue.

Regarding claim 9, Kawamura discloses a tuning device (figures 1, 3-5) comprising:

a tuner unit configured to generate a transport stream from a received service (tuner unit configured to generate a transport stream for providing over IEEE 1394 from a service received from antenna – figures 1, 3-5), outputting the particular stream upon request to the monitor unit (the tuner/tuning device outputting generated transport stream to monitor unit upon request – see include, but are not limited to, figures 1, 3-5), the tuning device is a stand-alone network device and the partial transport stream is output to a network (tuner unit is a stand-alone unit and generated packets are outputted to communication network 1394 – see include, but are not limited to, figures 1, 3-5). However, Kawamura does not explicitly disclose a storage unit for storing transport stream and the storage unit outputs the transport stream.

Inoue discloses a storage unit (e.g. storage unit 12 or storage unit 30) for storing partial transport stream (service received from the tuner 101) and for outputting the transport stream (outputting the received service to a network for display on a display device – see include, but are not limited to, figures 1, 5, col. 2, line 66-col. 3, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawamura to use the teaching of a storage unit for storing received service as taught by Inoue in order to improve convenience for the user in playing back a program, for example, to reduce waiting time (col. 3, lines 62-65).

Regarding claim 10, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses a service information control unit (e.g., control sec. 115 – figure 4) that derives service information from the transport stream and distribute the service information to output devices connected to the tuning device (async process, control sec. 115, and async. trans. 14 control selection of service information received at tuner subunit 11, and distribute the selected service information over serial bus 1394 to output devices in monitor unit connected to the tuner 1 – see include, but are not limited to, figures 3-5)

Regarding claim 11, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 10. Kawamura further discloses the service control unit includes a command generation control unit configured to generate asynchronous commands to distribute the service information to output device connected to the tuning device

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(control unit comprises async. process and async. trans. 14 configured to generate asynchronous command to distribute selected program to output devices in monitor unit connected to tuner unit 1 – see include, but are not limited to, figures 3-5, col. 5, line 31-col. 6, line 46).

Regarding claim 12, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the tuning device further comprises a partial transport stream generating unit (packet generation 12) configured to generate the transport stream (see include, but are not limited to, figures 1, 3-5).

Regarding claim 13, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 12. Kawamura further discloses a controller (e.g. async. trans. 14 and control sec. 15 – figure 4) configured to receive information about the content of the partial transport stream to be generated via at least one asynchronous command and supply the information to the partial stream generating unit (async. trans. and control sec. receive information about a program to be selected via at least one asynchronous command, supply the information to the packet generation – see include, but are not limited to, figures 1, 3-5, col. 2, line 39-col. 3, line 12, col. 5, lines 31-58).

Regarding claim 14, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Inoue further discloses the storage unit is configured to simultaneously record the partial transport stream and reproduce the particular transport

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stream at a same time or time shifted and/or at least one other recorded partial transport stream (memory device 12 or 14 for storing video signals and for simultaneously receiving video signals for storage and supplying reproduced video signals (see include, but are not limited to, col. 2, line 61-col. 3, line 16, col. 3, lines 62-65).

Regarding claim 15, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the network is an IEEE 1394 network (see figures 1, 3,5, col. 2, lines 36-38, 55-58).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mano et al. (US 2002/0057892 A1) discloses video recording device including the ability to concurrently record and playback.

Ellis et al. (US 2003/0149988 A1) discloses client server based interactive television program guide system with remote server recording.

Nakamura (US 2002/0031136 A1) discloses controlling apparatus, record medium, and method for exchanging an information signal among electronic devices.



8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

April 2, 2007



SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER